

3736/4

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: O.S. Khalil, et al.

Serial No.: 09/419,461

Filed: October 15, 1999

For: METHOD FOR MODULATING LIGHT
PENETRATION DEPTH IN TISSUE AND
DIAGNOSTIC APPLICATIONS USING SAME

Examiner: Kremer, M.

Group Art Unit: 3736

File No.: 6351.US.P2

Date: June 4, 2002



Certificate of Mailing under 37 CFR §1.8(a):

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231, on:

Date of Deposit: June 4, 2002

Michele M. Bonke
Michele M. Bonke

TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Enclosed herewith is The Information Disclosure Statement of O.S. Khalil, et al., for METHOD FOR MODULATING LIGHT PENETRATION DEPTH IN TISSUE AND DIAGNOSTIC APPLICATIONS USING SAME.

Also enclosed are: PTO Form 1449
Copy of the PCT Search Report
Copies of Three References Cited
Return Receipt Postcard

The Commissioner is hereby authorized to charge any additional Filing Fees required under 37 CFR 1.16, as well as any patent application processing fees under 37 CFR 1.17 associated with this communication for which full payment had not been tendered, to Deposit Account No. 01-0025. **A duplicate copy of this sheet is enclosed.**



23492

ABBOTT LABORATORIES
Telephone: (847) 937-6182
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Respectfully submitted,
O.S. Khalil, et al.

David L. Weinstein
David L. Weinstein
Registration No. 28,128
Attorney for Applicants

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Michele M. Bonke
Michele M. Bonke

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

INFORMATION DISCLOSURE STATEMENT & PETITION UNDER 37 CFR
§1.97(d)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(d), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after a Final Action and is accompanied by the fee set forth in 37 C.F.R. §1.17(p) of \$180.00 and a statement as specified under 37 C.F.R. §1.97(e). Applicant respectfully petitions and requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to filing this information disclosure statement.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art". If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

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Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Because this Information Disclosure Statement is submitted after the Final Office Action on the merits Applicants hereby authorize the Commissioner to charge the appropriate Petition fee of \$180.00 to Deposit Account No. 01-0025. The Commissioner also is authorized to charge our Deposit Account any additional fees (or credit any over payments) that may be required under 37 C.F.R. §§ 1.16 and 1.17 in association with this communication for which full payment has not been tendered. A duplicate of this sheet is enclosed.



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Respectfully submitted,
O.S. Khalil, et al.

A handwritten signature in cursive script, reading "David L. Weinstein".

David L. Weinstein
Registration No. 28, 128
Attorney for Applicants